

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

TRACY MCNAIR

Plaintiff,

v.

**UNITED STATES OF AMERICA,
Defendant.**

Civil Action No. 2:21cv

*In re: Tracy McNair v. Hampton Roads
Community Health Center and Dr. Markovic
Vladimir, Case No. GV20014031-00, Norfolk
General District Court*

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the United States of America, pursuant to 42 U.S.C. § 233(c) and 28 U.S.C. §§ 1441 and 1446, and on behalf of the named defendants, Hampton Roads Community Health Center and Dr. Vladimir Markovic (incorrectly identified in the Warrant in Debt as “Dr. Markovic Vladimir”), hereby removes the matter captioned *Tracy McNair v. Hampton Roads Community Health Center and Dr. Markovic Vladimir* [sic], Case No. GV20014031-00, now pending in Norfolk General District Court to the United States District Court for the Eastern District of Virginia, Norfolk Division.

In support of this Notice, the United States of America, the only correct party defendant for Hampton Roads Community Health Center and Dr. Vladimir Markovic states as follows:

1. Hampton Roads Community Health Center (“HRCHC”) and Dr. Vladimir Markovic have been named as defendants in an action styled *Tracy McNair v. Hampton Roads Community Health Center and Dr. Markovic Vladimir* [sic], Case No. GV20014031-00, now pending in Norfolk General District Court. *See* Exhibit 1. On or about August 20, 2020,

HRCHC received, through service or otherwise, a copy of the initial pleading (a “Warrant in Debt”) setting forth the claim for relief against HRCHC and Dr. Markovic upon which such action is based. This United States District Court embraces the place in which the state court action is pending.

2. The Complaint alleges medical malpractice by HRCHC and Dr. Markovic specifically. Dr. Markovic is an employee of Portsmouth Community Health Center, Inc., which does business as HRCHC. In accordance with 42 U.S.C. § 233(c), the Acting United States Attorney for the Eastern District of Virginia has found and certified that HRCHC and Dr. Markovic were acting within the scope of their employment as deemed employees of the Public Health Service at the time of the incident in question. *See Exhibit 2*

3. Upon such certification by the Acting United States Attorney, and because Plaintiff alleges personal injury resulting from the performance of medical care and related functions occurring within the scope of HRCHC’s and Dr. Markovic’s deemed PHS employment, this action is one that “shall” be removed to this Court. 42 U.S.C. § 233(a) - (c); *see also* 28 U.S.C. §§ 1346(b), 2679. Removal is authorized “at any time before trial.” 42 U.S.C. § 233(c). The matter is currently pending in state court. No trial has occurred or been scheduled; a status/return date is set for February 17, 2021.

4. A copy of this notice is being filed on January 25, 2021, with the Clerk of the General District Court for the City of Norfolk, Virginia, pursuant to 28 U.S.C. § 1446(d).

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Respectfully submitted,

UNITED STATES OF AMERICA,
Defendant

RAJ PAREKH
Acting United States Attorney

By: /s/ Kent P. Porter
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Counsel for United States of America

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served this 25th day of January, 2021, by United States mail, first class postage paid, addressed to the following:

TRACY MCNAIR
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Pro se Plaintiff

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